

REMARKS

1. The Applicant has carefully considered the official communication dated October 1, 2004. Applicant respectfully submits that the following remarks and the enclosed declaration are fully responsive to the official communication.
2. The Examiner has rejected claims 9 and 13 under 35 U.S.C. 102(e) as being anticipated by Silverbrook. In support of this, the Examiner has stated that "Silverbrook discloses the claimed material titanium diboride used within an actuator (claim 7)." Applicant respectfully encloses a declaration to the effect that Kia Silverbrook is the common inventor in the present application and in Silverbrook of that aspect relating to the use of titanium diboride within an actuator. It follows that 35 U.S.C. 102(e) cannot properly be used as a basis of a rejection of the present application.
3. The Examiner has rejected claims 5, 7 and 11 to 12 under 35 U.S.C. 103(a) as being unpatentable over Silverbrook in view of Ozaki et al. As set out above, Silverbrook is not a valid citation for 35 U.S.C. 102(e) and therefore does not qualify as a valid citation for 35 U.S.C. 103(a).

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application are courteously solicited.

Very respectfully,

Applicant:

GJM (POWER OF ATTORNEYS)  
GREGORY JOHN MCAVOY

Kia  
KIA SILVERBROOK

C/o:

Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email:

kia.silverbrook@silverbrookresearch.com

Telephone:

+612 9818 6633

Facsimile:

+61 2 9555 7762